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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/799,096

03/12/2004

Clark Becker

3073

7625

7590

01/24/2006

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EXAMINER

LE, UYEN CHAU N

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

Office Action Summary	Application No.	Applicant(s)	
	10/799,096	BECKER, CLARK	
	Examiner	Art Unit	
	Uyen-Chau N. Le	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Requesting Continued Examination (RCE)

1. Receipt is acknowledged of the Requesting Continued Examination (RCE) filed 10 November 2005.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over BERRY (WO 9956254 A1) in view of White et al (US 6199114 B1).

Re claim 18: Berry discloses a system for customer-specific communication between a customer and a retail establishment, comprising: database [52, 53] in association with a user identifier (e.g., user ID), containing the following data to the extent provided by the user: name, address, credit card number, digital wallet data (i.e., electronic purse 58), preferred

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portal and login data for portal (p. 10, line 22 through p. 11, line 2); means for accessing the database to open a connection to the user's digital wallet/electronic purse to facilitate payment via the digital wallet/electronic purse account upon presentment of the user identifier to the system (abstract, lines 3-4); means for accessing user information stored in the database and using such information for signing the user up for support services, upon presentment of the user identifier to the system (figs. 7 & 9; p. 14, line 18 through p. 15, line 1 and p. 15, line 14 through p. 16, line 1); kiosk for displaying the internet for the user to view and use (abstract, lines 1-8); means, coupled to the kiosk, for accessing the user's preferred portal and login data from the database, upon presentment of the user identifier to the system (figs. 9 & 10; p. 15, line 14 through p. 16, line 7).

Berry is silent with respect to a reader device for reading a user-identifier presented by a user in a physical embodiment.

White et al teaches an internet terminal reads a unique smart card identifier from the smart card and transmits the identifier to the server; the server locates configuration information associated with a particular user, which includes a defined customer environment or customer preferences for

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customizing the operation of the internet terminal (fig. 7; col. 8, line 65 through col. 10, line 34).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to further incorporate a smart card reading device of White et al into the system as taught by Berry in order to provide Berry with a more accurate system wherein the user's unique identifier is read from a smart card by the smart card reader, the user does not have to manually enter the user's login information, thus providing a time consumption system (i.e., reducing login time).

4. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over White et al (US 6199114 B1) in view of Atsmon et al (US 6607136 B1). The teachings of White have been discussed above.

Re claim 19: White et al discloses an internet terminal reads a unique smart card identifier from the smart card and transmits the identifier to the server; the server locates configuration information associated with a particular user, which includes a defined customer environment or customer preferences for customizing the operation of the internet terminal (i.e., database 540 for storing user identifier); the configuration including internet content is downloaded to the

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client 1, which serves as a kiosk terminal (fig. 7; col. 8, line 65 through col. 10, line 34).

White et al is silent with respect to a database records storing loyalty point data and means for allowing user to acquire loyalty points by interacting with specified content via use of the Internet at the kiosk.

Atsmon et al teaches an account database 211e for storing user's account information and an incentive points database for storing points data; wherein the user can earn points can earn points online, for example, by purchasing goods from an online merchant, clicking on advertisements, filling out registrations and surveys, and performing various other activities of interest to merchants, advertisers and other companies (fig. 21; col. 59, line 59 through col. 60, line 10 and col. 98, lines 48-56). Atsmon et al further discloses the use of an electronic wallet (col. 66, line 29 through col. 73, line 26).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to further incorporate the loyalty incentive program of Atsmon et al into the system as taught by White et al for increasing business purpose which attracts more users to visit other business sites via advertising links for earning points, thereby possibly resulting in purchasing goods from those sites.

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Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The patents to Hillson et al (US 6094644 A); Barcelou (US 6945457 B1); Preece (EP 1231579 A2); Curtis (US 6944667 B1); Kaufman et al (US 20020147765 A1) are cited as of interest and illustrate a similar structure to a speed pass system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen-Chau N. Le whose telephone number is 571-272-2397. The examiner can normally be reached on First Monday 5:30AM-1:30PM and Tues-Fri 5:30AM-3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Uyen-Chau N. Le
Primary Examiner
Art Unit 2876

January 11, 2006